CD/2000

Conference on Disarmament

4 September 2014

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Letter dated 2 September 2014 from the President of the Conference on Disarmament addressed to the Acting Secretary-General of the Conference transmitting the report of the Informal Working Group established pursuant to decision of the Conference adopted at its 1308th plenary meeting on 3 March 2014

I have the honour to submit to the Conference on Disarmament the final report on the work of the Informal Working Group established pursuant to decision CD/1974 with a mandate to produce a programme of work robust in substance and progressive over time in implementation.

The report is submitted by the Co-Chair and Vice Co-Chair in their personal capacities and without prejudice to the national positions of member States.

(*Signed*): Mazlan Muhammad
President of the Conference on Disarmament

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Mr President

1. It is my honour to report to you, in my capacity as co-Chair, and on behalf of my Vice co-Chair, Mr. Peter Woolcott, Ambassador of Australia, on the outcome of informal consultations held during 2014 on the Informal Working Group to the Conference on Disarmament, established under CD/1974. This Informal Working Group followed on from the work we undertook in the same capacity in the Informal Working Group established in 2013 pursuant to CD/1956/Rev.1.

2. You will recall that the mandate of the Informal Working Group was to produce a programme of work, robust in substance and progressive over time in implementation, at the earliest possible date in its 2014 session.

3. Since that time Ambassador Woolcott and I, pursuant to paragraph 5 of CD/1974, and upon the agreement of the respective Presidents, have conducted widespread consultations on a programme of work, and in particular explored the possibility of a negotiating mandate relating to the four core issues (CD/1965). We also consulted on the possibility of a negotiating mandate on a combination of these four issues. To this end, we convened three open meetings which were attended by members and observers States of the Conference. These were conducted on 19 May 2014, 28 July 2014 and 18 August 2014.

4. Concurrently, while continuing to seek a path towards renewed negotiations, the Conference on Disarmament decided in its early sessions in 2014 under the Japanese Presidency to convene informal open-ended meetings for holding structured and substantive discussions on its agenda items (schedule of activities). The subsequent discussions in the 2014 meetings of the Conference in relation to the schedule of activities provided a valuable opportunity for delegations to exchange views, to identify issues of commonality and points of divergence, and to lay the groundwork to facilitate possible future negotiations following the adoption of a programme of work. They did not, however, lead to a breakthrough to enable the adoption of a programme of work.

5. As our consultations proceeded it was clear that no consensus existed to take forward a programme of work in relation to any of the four issues which would be robust in substance and progressive over time in implementation. Nor was there any prospect for agreement on a simplified programme of work, nor combining specific items among the core agenda items for the purposes of negotiation, such as agenda items 1 and 2 with a specific focus on fissile material for use in nuclear weapons and other nuclear explosive devices and agenda items 3 (Prevention of an Arms Race in Outer Space), and 4 (Negative Security Assurances) respectively. In our considered view this is not likely to change in the foreseeable future.

6. Given these circumstances, we also explored whether there was any interest and willingness to enter into a possible negotiation in the Conference on agenda item 5, concerning the "weaponisation of radioactive sources/ a ban on radiological weapons".

7. In this regard, we noted that radioactive sources were hazardous, and could be lethal either through accident, misuse or malicious activity. This included as candidates for the construction of "dirty bombs". We also noted that in 1990, the Conference on Disarmament, building on discussions held in 1987, 1988 and 1989, had created the Ad Hoc Committee on Radiological Weapons with a view to reaching agreement on commencing negotiations on a convention prohibiting the development, production, stockpiling and use of radiological weapons. We also noted that while there was a politically-binding regime (contained in the IAEA Code of Conduct in relation to Safety and Security of Radioactive Sources), there was a possible legal gap in the coverage of radiological sources. The question was whether the significant security and public health risks attached to this issue were sufficient to warrant a decision to commence negotiations to "fill the possible legal void". Subsequent to the meeting on 19 May, we drafted a

working paper on the weaponisation of radioactive sources which we presented to the Conference on Disarmament in our capacity as co-Chair and Vice Co-Chair. This working paper was welcomed by many members and observers of the Conference and many delegations commended the paper for its balanced approach, for stimulating discussion on the issues for and against proceeding to negotiate a convention on the weaponisation of radioactive sources, and for clarifying the current legal framework in relation to agenda item 5. The issue was subsequently discussed by delegations during the schedule of activities dedicated to this item, chaired by Mr. Mikhail Khvostov, Ambassador of Belarus, on 25 June 2014.

8. Additionally, the Informal Working Group also discussed whether there was any scope to develop those proposals relevant to a programme of work submitted by the Acting Secretary-General, Mr Michael Møller, to the Conference on 20 May in order to move forward on a programme of work. The Acting Secretary-General's proposals were, in summary, as follows:

- Developing a framework convention approach, to which substantive protocols might subsequently be added.
- Exploring ways on which voluntary, politically binding regimes might be negotiated.

9. Following a discussion on these proposals in the meeting of the Informal Working Group of 28 July, it was apparent that there was no consensus on progressing with either of the two options proposed by Mr Møller in the immediate future. Nevertheless, several delegations noted these could offer ways forward in the future for enabling the Conference to secure agreement on a negotiating mandate.

10. At the meeting on 28 July 2014, we also proposed, should consensus be forthcoming, a possible way forward for 2015. This included canvassing interest in:

- The appointment of coordinators for 2015 on the four core agenda items as part of a schedule of activities (consistent with 2014).
- Agreement on the creation of an informal working group to discuss, inter alia, issues relating to whether to proceed with a negotiation on agenda item 5. This would include a canvassing of the merits or otherwise of a convention on the weaponisation of radioactive sources, and issues that would need to be negotiated should the Conference on Disarmament agree to proceed with this course of action.

11. From the discussions on 28 July, it was clear that this proposal would not find agreement with all delegations.

12. As required in paragraph 6 of CD/1974, we now submit to you the final report on the work of the Group. We confirm that no consensus emerged on a programme of work during this period or on proceeding with any of the options noted above. Nevertheless, we believe that a range of fruitful exchanges have taken place which open up some possible avenues for progress on achieving an eventual programme of work.

(signed) Luis Gallegos Chiriboga
Co-Chair

(signed) Peter Woolcott
Vice Co-Chair